

The following veto message was received from the Governor by the hands of his Private Secretary :

GOVERNOR'S OFFICE, }
Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditure of moneys arising from the same."

This act proposes to direct that the school tax shall be disbursed in the district where collected and that only so much as may be necessary shall be collected.

I believe the House will, on reconsideration, perceive that it is unnecessary for the purposes it proposes to accomplish, and may create uncertainty as to the amount of taxes provided by law for building and maintaining schools.

It is unnecessary, because the plain intent and word of the act of April 24, 1871, is that the tax, not exceeding one per cent., authorized to be levied by the school directors, shall be used for "building school houses and maintaining schools in their respective school districts." Of course, then, no part of the tax can be used out of the district. Again, the said act of April 24 leaves it to the school directors to say how much of that tax shall be assessed, and under the provision giving the Board of Education of the State power to direct the "manner of the collection and disbursement of this tax," that board has already in substance directed that only so much of the tax shall be collected as may be absolutely necessary for the object in view. In the one case, as in the other, some trust must be placed in the good faith of officers collecting and disbursing the tax, that they will only collect so much as may be necessary.

The act will create uncertainty as to the amount of tax for school

purposes "authorized by laws." It speaks in the plural of the tax authorized by existing laws. Now, three laws have been passed by the present Legislature, providing taxes for these purposes, viz.: the act of August 13, 1870, section three, provides a tax of one per cent. to be levied and collected "when necessary," by the county court, to build school houses; the act of April 22, 1871, section eight provides a tax, apparently to be levied by county courts, of one-eighth of one per cent. (applicable only to the year 1871) to build school houses and "insure the education" of the scholastic inhabitants of the district; and the act of April 24, 1871, section five, which provides a tax to be levied by the school directors of each district "not exceeding one per cent., for the purpose of building school houses and maintaining schools" in the respective districts.

Was it intended by the use of the word "laws" to give a legislative construction to the operation of these three acts, and to authorize the collection of school taxes under the three, amounting together to two and one-eighth per cent? It will certainly be held and with reason that the Legislature, by using the plural, intended to recognize school taxes under more laws than one.

The Board of Education for the State has assumed that the tax provided by the law of April 24, 1871, is the only one to be enforced, and has for the present fiscal year authorized not exceeding seven-eighths of it to be collected, (allowing for the one-eighth assessed for 1871, under the law of April 22.) It was adjudged that the act of April 24, 1871, repealed, among other provisions of the act of August 13, 1870, so much of it as provided the tax for building school houses.

Very respectfully,
EDMUND J. DAVIS, Governor.

Laid over under the rules.